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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,104	12/29/2000	Samuel N. Zellner	BS00-027	6281

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CANTOR COLBURN LLP - BELLSOUTH  
20 Church Street  
22nd Floor  
Hartford, CT 06103

EXAMINER
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SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
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2131

MAIL DATE	DELIVERY MODE
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12/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/750,104

Applicant(s)

ZELLNER ET AL.

Examiner

Arezoo Sherkat

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 48-50 and 52-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-50 and 52-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

This office action is responsive to Applicant's amendment received on 10/16/2007. Claims 48, and 52-53 are amended. Claim 51 is cancelled. Claims 48-50 and 52-62 remain pending.

***Response to Arguments***

Applicant's arguments, see Remarks, filed 10/16/2007, with respect to the rejection(s) of claim(s) 48-50 and 52-62 under 35 U.S.C. 102(e) and 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hanson (U.S. Patent No. 6,868,074).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 52-53, 55-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson, (U.S. Patent No. 6,868,074).

Regarding claims 52- 53, Hanson discloses a system for enabling an outside entity to control devices at a location i.e., a mobile data device)(col. 2, lines 33-58), the system comprising:

an interface to a communication network, the communications network adapted to communicate with an internal computer system associated with the location (i.e., data device 12), the internal computer system being associated with a sensing apparatus that can detect a triggering event at the location (col. 3, lines 65-67 and col. 4, lines 1-7), the internal computer system being further associated with a device that can be controlled by the outside entity (i.e., location locator service) via the internal computer system (col. 4, lines 10-22), and logic configured to receive an indication associated with an occurrence of the triggering event, wherein responsive to the sensing apparatus detecting the triggering event, the internal computer system establishes a voice-over-Internet-protocol communication session with the outside entity via a communications network in communication with the location (col. 4, lines 23-67 and col.5, lines 1-15), the communications network including wherein the triggering event activates an ability to allow control to be assigned to the outside entity (col. 6, lines 47-58), further comprising

logic configured to transfer a session to a second outside entity, wherein the second outside entity is a public safety answering point (col. 6, lines 59-67 and col. 7, lines 1-7).

Regarding claim 55, Hanson discloses wherein at least one communication device is wireless (col. 3, lines 30-60).

Regarding claim 56, Hanson discloses wherein the location is associated with a moving object (i.e., the data device is a mobile data device)(col. 3, lines 30-60).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 48-50, 54, 59, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson, (U.S. Patent No. 6,868,074), in view of Gaos, (U.S. Publication No. 2003/0046689).

Regarding claims 48 and 54, Hanson does not explicitly disclose wherein at least a portion of the communications session is secure.

However, Gaos discloses wherein at least a portion of the communications session is secure (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Hanson with teachings of Gaos because it would allow including secure communications as disclosed by Gaos. One of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

Regarding claims 49-50, Hanson does not explicitly disclose wherein the security utilizes a digital certificate.

However, Gaos discloses wherein the security utilizes a digital certificate (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Hanson with teachings of Gaos because it would allow including secure communications as disclosed by Gaos. One of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

Regarding claims 59 and 61, Hanson discloses a monitoring and control apparatus at a location (i.e., a mobile data device)(col. 2, lines 33-58), the apparatus comprising: an internal computer system associated with the location, a wireless

interface to a sensing element to monitor a location (i.e., a mobile data device 12 which includes and is coupled to a processor 14 and a GPS receiver 16), a communication processor to communicate with an outside entity via a communications network (col. 4, lines 10-36), a control module allowing an outside entity to control the operations of the devices associated with a local area network (i.e., wherein dynamic collection of vital signs requires controlling the vital signs detector 30 such as the heartbeat detector)(col. 2, lines 55-58 and col. 4, lines 1-8 and col. 6, lines 11-34), wherein the devices include VoIP capable devices and television (col. 1, lines 65-67 and col. 2, lines 1-2).

Hanson does not explicitly disclose wherein the communications utilizes a secure tunnel and the outside entity is authenticated.

However, Gaos discloses wherein the communications utilizes a secure tunnel and the outside entity is authenticated (par. 161-170).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Hanson with teachings of Gaos because it would allow including secure communications as disclosed by Gaos. One of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure connections to commercial banks (Gaos, par. 144).

Claims 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson, (U.S. Patent No. 6,868,074), in view of Gaos, (U.S. Publication No. 2003/0046689), in further view of Kung et al., (U.S. Patent No. 6,889,321 and Kung hereinafter).

Regarding claims 60-62, Hanson and Gaos, alone or in combination, do not explicitly disclose wherein the communication utilizes quality of service and conveys multimedia information.

However, Kung discloses wherein the secure communication utilizes quality of service and conveys multimedia information (col. 12, lines 57-67 and col. 13, lines 1-63).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the combined teachings of Hanson and Gaos with teachings of Kung because it would allow including secure communications as disclosed by Kung. One of ordinary skill in the art would have been motivated by the suggestion of Gaos to provide secure communications in a broadband communication system (i.e., conference calls, teleconferences, or multimedia sessions) including an Internet Protocol Telephony Network and public switched telephone network (Kung, col. 1, lines 9-15).

Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson, (U.S. Patent No. 6,868,074), in view of Gerdt et al., (U.S. Patent No. 6,687,424 and Gerdt hereinafter).

Regarding claims 57-58, Hanson does not explicitly disclose wherein the moving object is a vehicle.



However, Gerdt discloses a sensing pad that may be in the form of a fluid-filled mattress or configured for use in some other suitable support such as a vehicle seat or a stroller (col. 1, lines 12-67).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify teachings of Hanson with teachings of Gerdt because it would allow combining the sensing pad implemented in a vehicle seat or a stroller as disclosed in Gerdt with the data device 12, processor 14, and the GPS receiver 16 as disclosed by Hanson to provide communication with emergency services using Voice over Internet Protocol in the event of detecting an emergency situation. One of ordinary skill in the art would have been motivated by the suggestion of Gerdt to facilitate sensing the onset of sleep for drivers of motor vehicles (Gerdt, col. 1, lines 59-67).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the attached PTO-892 for a complete listing of readily provided prior arts and those incorporated by reference.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.  
Patent Examiner  
Group 2131  
12/21/2007

  
SYED A. ZIA  
PRIMARY EXAMINER